

REMARKS

Claims 3, 6-7, 9 and 13-20 have been amended. Claims 1-2, 4-5 and 10-12 remain for consideration as originally filed.

The 35 U.S.C. § 112 Rejection

In the Office Action dated April 9, 2003, the Examiner rejected claims 6-7 and 14-19 under 35 U.S.C. § 112(2) as being indefinite with respect to the claim language. The Examiner seems concerned with the language that was selected to describe the rotational movement and/or rotational freedom of the pivot assembly and shaving cartridge. Specifically, the Examiner identified the following phrases:

- Claim 6: "bi-directional rotation of said pivot assembly";
- Claim 7: "uni-directional rotation of said pivot assembly";
- Claim 14: "rotates to a pivot going from a center pivot to a guard-bar pivot";
- Claims 15-16: "rotates to a pivot going from a center pivot . . . to a guard-bar pivot";
- Claim 17: "rotates to a pivot going back from a guard-bar pivot . . . to a center pivot"
- Claim 18: "unidirectional pivoting"; and
- Claim 19: "bi-directional pivoting".

Applicants have amended claims 6-7 and 14-19 to clarify the language recited therein. Claims 6 and 19 have been amended to define "bi-directional rotation" and "bi-directional pivoting" with respect to a rest position. "Bi-directional" rotation/pivoting is shown and described as rotation/pivoting in both directions (e.g., clockwise and counterclockwise) from the rest position relative to the pivot frame. Support for such bi-directional rotation/pivoting is provided in the specification at page 9, lines 6-9 and Figures 4, 6-8: "the pivot assembly 12 . . . is free to pivot relative to the pivot frame approximately $\pm 20^\circ$ from the position shown in Figure 7."

Similarly, claims 7 and 18 have been amended to define "uni-directional rotation" and "unidirectional pivoting" with respect to a rest position. "Uni-

directional" rotation/pivoting is shown and described as rotation/pivoting in one direction (e.g., clockwise or counterclockwise) from the rest position relative to the pivot frame. Support for such uni-directional rotation/pivoting is provided in the specification at page 9, lines 14-17 and Figures 5, 9-11: "the pivot assembly 12 . . . is free to pivot relative to the pivot frame approximately 40° from the center position to the position shown in Figures 10 and 11.

In order to clarify the language of claims 14-17, Applicant has amended claim 13 to recite "a pivot assembly." Applicant has also amended claims 14-17 to recite rotation of the shaving cartridge relative "to a pivot point of the pivot assembly" with reference to "a center pivot axis" and/or a "guard-bar pivot axis." Support for these amendments are provided, for example, at page 8, line 30 through page 9, line 11 and Figures 6-8. There, the center pivot axis is described and shown as "C", and the guard-bar pivot axis is described and shown as "G". The shifting of the pivot axis for the pivot point of the shaving cartridge and the pivot assembly increases safety. (See Specification, p. 9, ll. 21-26; see also Claims 2, 3).

Applicant submits that these amendments adequately address the Examiner's Section 112 rejections. Accordingly, Applicant requests reconsideration of the rejections.

Applicant has also corrected errors with the claim language (e.g., grammar, proper antecedence) in claims 3, 9, 13, 15, 16 and 20.

Prior Art Rejection

In the Office Action, the Examiner rejected claims 1-7, 10-11, 13-19 and 20 under 35 U.S.C. § 102(b) as allegedly being fully anticipated by U.S. Patent No. 4,281,456 to Douglass et al. The Examiner's rejection is traversed below, and reconsideration is requested with respect to the pending claims.

Applicant's Arguments

The present application is directed safety razor shaving systems including a razor blade assembly mountable on a razor handle via at least two pivotal connections. More particularly, the shaving system features a pivot frame, a pivot assembly pivotally coupled to or rotatable relative to the pivot frame, and a blade assembly pivotally coupled to or rotatable relative to the pivot assembly.

By contrast, U.S. Patent No. 4,281,456 to Douglass et al. (hereinafter "Douglass") is directed to a razor handle adapted for use with replaceable blade assemblies. A razor handle 40 includes a grip portion 42 and a neck portion 44. (See Douglass, col. 3, ll. 36-38). A blade assembly 1 includes a body 2 comprising a first portion 22 and a second portion 24. (See Douglass, col. 2, ll. 62-64; col. 3, ll. 8-10). The first portion 22 includes a first connecting means 26, including a projection 28, by which the blade assembly 1 may be pivotally connected to the razor handle 40. (See Douglass, col. 3, ll. 11-20, 31-35). Specifically, a lever 46 is connected at one end to the grip portion 42, and at the other end to the blade assembly projection 28. (See Douglass, col. 3, ll. 36-44). The second portion 24 includes a second connecting means 34 by which the blade assembly 1 may be fixedly connected to the razor handle 40. (See Douglass, col. 3, ll. 21-24). Thus, the first portion 22 is adapted to be pivotally connected to the razor handle 40, while the second portion 24 is adapted to be fixedly connected to the razor handle 40. (See Douglass, col. 3, ll. 58-64).

The operation of the Douglass device is described at column 3, line 65 through column 4, line 24. The blade assembly 1 is urged against the user's skin surface. When sufficient force is applied to overcome the bias of the spring 54, the neck portion 44 is moved to the right (i.e., away from the skin surface). The second portion 24 of the blade assembly 1 is fixed to the neck portion 44, and thus also moves to the right. The first portion 22 of the blade assembly 1 consequently pivots

about the lever 46, which is anchored to the grip portion 42. Therefore, pivotal movement between the first portion 22 and the second portion 24 is effected.

It is clear from the entire Douglass disclosure that the Douglass device is directed to an entirely different concept from that claimed in the present patent application. With respect to Applicant's claims, the Examiner has interpreted the grip portion 42 to be the "pivot frame", the neck portion 44 to be the "pivot assembly", and the blade assembly 1 to be the "blade assembly". (See Office Action, p. 3, ¶ 4). However, the Examiner's interpretation of the Douglass reference is incorrect with respect to the claim language.

Notably, the neck portion 44, if it were the "pivot assembly", is not pivotally coupled to the grip portion 42, if it were the "pivot frame", as is required by claims 1-12 and 20. (See, e.g., claim 1 ("a pivot assembly pivotally coupled to said pivot frame")). Also, the neck portion 44, if it were the "pivot assembly", does not rotate relative to the grip portion 42, if it were the "pivot frame", as is required by claims 13-19. (See, e.g., amended claim 13 above ("wherein the pivot assembly rotates relative to the pivot frame")). In fact, the neck portion 44 is disposed within the grip portion 42 and only adapted for sliding movement. (See Douglass, FIGS. 1, 10-11).

The claims also require the blade assembly/shaving cartridge to be pivotally coupled to or rotate relative to the pivot assembly. In the Douglass reference, the blade assembly 1 has two portions that pivot with respect to each other, but it is clear that the pivoting portion 22 of the blade assembly 1 is not pivotally coupled to the neck portion 44. (See Douglass, col. 3, ll. 8-10). The first pivoting portion 22 of the blade assembly 1 is pivotally connected to the grip portion 42 (i.e., the purported pivot frame) by way of the lever 46, and is not pivotally connected to the neck portion 44. (See Douglass, col. 3, l. 65 – col. 4, l. 8). The neck portion 44 is fixedly connected to the second portion 24 of the blade assembly 1 by way of parallel rails

52. (See Douglass, col. 4, ll. 8-11; FIGS. 7-11). Thus, there is no pivotal connection between the purported blade assembly and the purported pivot assembly of the Douglass device.

In fact, the Douglass reference only discloses one pivoting body (i.e., the first portion 22 of the blade assembly 1), while Applicant's claims clearly recite two pivoting bodies. (See Douglass, col. 3, ll. 58-64 ("The razor handle 40 may be connected to the blade assembly 1 by engaging the rails 52 with the grooves 38 and the dowel portion 48 with the projection 28, thereby effecting a first pivotal connection between the handle and the blade assembly body first portion 22, and effecting a second fixed connection between the handle and the blade assembly body second portion.") (emphasis added)). Thus, the Examiner's attempts to read the Douglass reference on the claims of the present invention is incorrect and improper.

In order to anticipate a claim under 35 U.S.C. § 102(b), each and every element of the claimed invention must be disclosed in a single patent reference. See Advanced Display Sys. Inc. v. Kent State Univ., 212 F.3d 1272, 1282, 54 U.S.P.Q.2d 1673, 1679 (Fed. Cir. 2000) ("[A]nticipation requires that the four corners of a single, prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experiment."). Absent the disclosure of any element of the claimed invention, any rejection pursuant to 35 U.S.C. § 102(b) based on the cited reference is improper. Inasmuch as Douglass fails to teach each and every limitation of Applicant's claims, the Examiner's Section 102(b) rejection is improper.

The Examiner also interprets the dowel portion 48 of the lever 46 as the "first biasing means" and the pin that connects the lever 46 to the grip portion 42 as the "second biasing means" with respect to Applicant's claim 4. (See Office Action, p. 3, ¶ 4). The Examiner appears to be interpreting the "biasing" means as the

“connecting” means. This interpretation is also incorrect with respect to the claimed invention. As noted in the specification, the biasing means are separate from the connecting means, journals, or pivots between the blade assembly and the pivot assembly, and between the pivot assembly and the pivot frame. (See Specification, p. 8, l. 18 – p. 9, l. 11). Thus, the “biasing” means act to bias rotation and movement of the blade assembly and the pivot assembly, not connecting the components of the shaving system. (See, e.g., Specification, p. 8, ll. 32-33 (“The spring 11 biases the blade assembly to the position shown in Figure 7.”)).

In Douglass, the lever 46, the dowel portion 48 at one end of the lever 46, and the pin at the opposite end of the lever 46 do not act as biasing means. Instead, they act to create the pivotal connection for the blade assembly to the grip portion 42 of the handle 40. (See Douglass, col. 3, ll. 36-44; FIG. 1). In fact, the pin at the opposite end of the lever 46 merely acts to anchor the lever 46 to the handle 40. It has no connection to the so-called pivot assembly of the Douglass device (identified as the neck portion 44) and does not allow for any sort of rotation of such pivot assembly. (See also Douglass, col. 3, l. 68 – col. 4, l. 6; FIGS. 10-11 (the neck portion 44 only appears to slide, and not rotate with respect to the grip portion 42)).

Further, claim 4 requires the first biasing means to be between the blade assembly and the pivot frame and the second biasing means to be between the pivot assembly and the pivot frame. As shown in Figure 1 of the Douglass reference, this is clearly not the case with the connecting means.


Additionally, the first pivoting portion 22 of the blade assembly 1 is not capable of bi-directional rotation or pivoting from a rest position based on the Douglass design. (See claims 6, 19). Specifically, the first portion 22 is connected to the fixed second portion 24 by way of a thin molded web 18, which restricts the movement of the first portion to one direction. (See Douglass, col. 3, ll. 4-10).

Further, the blade assembly of the Douglass design is not capable of rotating with respect to changing pivot points of the pivot assembly as claimed in the present invention. (See claims 2-3, 14-17). Certainly, the Douglass reference is silent as to shifting pivot points with respect to a central axis and guard-bar axis of the blade assembly / shaving cartridge.

For at least the above reasons, Applicant submits that the cited reference does not disclose or suggest each and every limitation of the claims in the present application. Applicant respectfully submits that the rejections pursuant to 35 U.S.C. § 102(b) with respect to claims 1-7, 10-11, 13-19 and 20 are improper. Additionally, Applicant has addressed the Examiner's Section 112(2) rejections. Accordingly, Applicant submits that all the claims, including those amended herein, are allowable, and favorable reconsideration is respectfully requested.

Applicant believes no fees are due with this Response. However, please charge any deficiency in fees that may be associated with this Response or any other required fees to Deposit Account No. 13-0235.

Respectfully submitted,

By 
Wm. Tucker Griffith
Registration No. 44,726

McCormick, Paulding & Huber, LLP
Attorney for Applicant
CityPlace II, 185 Asylum Street
Hartford, CT 06103-4102
Tel. (860) 549-5290